

1 Richard C. Johnson (SBN 40881)
2 Shaamini A. Babu, Esq. (SBN 230704)
3 SALTZMAN & JOHNSON LAW CORPORATION
4 44 Montgomery Street, Suite 2110
5 San Francisco, CA 94104
(415) 882-7900
(415) 882-9287 – Facsimile
djohnson@sjlawcorp.com
sbabu@sjlawcorp.com

6 Attorneys for Plaintiffs

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UNITED STATES DISTRICT COURT

10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 OPERATING ENGINEERS' PENSION
12 TRUST FUND, GIL CROSTHWAITE and
13 RUSS BURNS, as Trustees,

Case No.: C08-3611 MHP

NOTICE OF VOLUNTARY DISMISSAL

14 Plaintiffs,

vs.

15 RICHARD S. TUCKER, INC., a California
16 Corporation, and RICHARD S. TUCKER, as
17 an individual,

18 Defendants.

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20 PLEASE TAKE NOTICE that pursuant to F.R.C.P., Rule 41(a)(1), Plaintiffs GIL
21 CROSTHWAITE and RUSS BURNS, in their respective capacities as Trustees of the
22 OPERATING ENGINEERS HEALTH AND WELFARE TRUST FUND FOR NORTHERN
23 CALIFORNIA, et al., voluntarily dismiss, without prejudice, the within action against Defendants
24 RICHARD S. TUCKER, INC., a California Corporation, and RICHARD S. TUCKER, an

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NOTICE OF VOLUNTARY DISMISSAL

Case No.: C09-0769 PJH

1 Individual. Plaintiffs have not previously filed or dismissed any similar action against Defendants.

2 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above
3 entitled action, and that the foregoing is true of my own knowledge.

4 Executed this 31st day of July, 2009, at San Francisco, California.

5 SALTZMAN & JOHNSON
6 LAW CORPORATION

7 By: _____/S/ _____
8 Shaamini A. Babu
9 Attorneys for Plaintiffs

10 IT IS SO ORDERED.

11 This case is dismissed without prejudice and all dates herein are herewith vacated.

12 Date: 8/3/2009



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NOTICE OF VOLUNTARY DISMISSAL
Case No.: C09-0769 PJH

PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On July 31, 2009, I served the following document(s):

NOTICE OF VOLUNTARY DISMISSAL

8 on the interested parties in said action by First Class U.S. Mail, by placing a true and exact copy of
9 each document in a sealed envelope with postage thereon fully prepaid, in a United States Post
10 Office box in San Francisco, California, addressed as follows:

**Richard S. Tucker, Inc.
25195 N. Suttonfield Road
Acampo, California 95220**

**Richard S. Tucker
25195 N. Suttenfield Road
Acampo, California 95220**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 31st day of July, 2009, at San Francisco, California.

/S/